

DEC 09 2005

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

NICK EUBANKS, et al.

CIVIL ACTION NO. 05-1532

-VS-

JUDGE LITTLE

JAMES E. JORDAN, et al.

JUDGMENT

Before the court is a motion to dismiss for failure to state a claim filed on 14 September 2005 by the Winn Parish Sheriff's Office, a defendant, and the Winn Parish Jail, a nonparty to this suit, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure [9]. This motion asks that the court dismiss the claims against the Winn Parish Sheriff's Office and the Winn Parish Jail because they are not legal entities capable of being sued. Valentine v. Bonneville Ins. Co., 96-1382 (La. 3/17/1997); 691 So.2d 665, 668 ("It is well settled in the lower courts that a Sheriff's Department is not a legal entity capable of being sued."); cf. Hudson v. City of New Orleans, 174 F.3d 677, 680 (5th Cir. 1999) (noting that "Louisiana law does not permit a district attorney's office to be sued in its own name.").

Plaintiffs filed a reply on 30 September 2005 noting that "counsel for plaintiff does not object to entry of an order dismissing the Winn Parish Sheriff's Office." In addition, plaintiffs noted that they never named the Winn Parish Jail as a defendant. The words "Winn Parish Jail" appear in the caption of the action merely to describe in greater detail defendant Warden Raymond Whittington. In other words, the complaint named "Warden Raymond

Whittington, Winn Parish Jail” as one defendant rather than both “Warden Raymond Whittington” and the “Winn Parish Jail” as two defendants.

For the foregoing reasons, the motion to dismiss the complaint against the Winn Parish Sheriff’s Office is GRANTED. The complaint against Winn Parish Sheriff’s Office is therefore DISMISSED WITH PREJUDICE. Furthermore, the motion to dismiss the complaint against the Winn Parish Jail is DISMISSED AS MOOT.

Alexandria, Louisiana

9 December 2005



F. A. LITTLE, JR.
UNITED STATES DISTRICT JUDGE